

A2
16. (Amended) The retainer assembly of claim 11 wherein said elongated tubular delivery member additionally comprises at least one radio-opaque marker located [distally] at said distal end.

Please add the following new claims:

A3
--19. (New) The retainer assembly of claim 1 further comprising a helical vaso-occlusive device which is unattached to said retainer assembly.

20. (New) The retainer assembly of claim 11 further comprising a helical vaso-occlusive device which is unattached to said retainer assembly.--

REMARKS

Applicants note that a Final Office Action (Paper No. 9) was issued on March 21, 2000 against the claims in the parent application (09/148,411). This Preliminary Amendment addresses references Purdy (U.S. Patent No. 5,527,338) and Guglielmi *et al.* (U.S. Patent No. 5,354,295) which have been cited in the March 21, 2000 Final Office Action.

Claims 1-18 were pending in the present application. Claims 6-10 and 17-18 have been cancelled and new claims 19 and 20 have been added. By virtue of this response, claims 1, 5, 11, and 16 have been amended. Accordingly, claims 1-5 and 11-16 are currently under consideration.

Support for new claims 19 and 20 is found in the specification, p. 9, lines 6-11; p. 14, lines 16-26; and throughout the figures, particularly in Figures 4C and 4D. New claims 19 and 20 are neither taught nor suggested by Purdy (U.S. Patent No. 5,527,338) or Guglielmi *et al.* (U.S. Patent No. 5,354,295), either alone or in combination, since both new claims recite helical vaso-occlusive devices which are "unattached to said retainer assembly" (emphasis added) in combination with the retainer assembly devices of the underlying claims. Purdy, on the other hand, discloses a vaso-occlusion device ("trailing element 102") which is necessarily attached to

the lead element 104 “by at least one fiber” (Purdy, col. 7, lines 32-35). In Purdy, the two elements remain attached to one another even after deployment within the vessel lumen (Purdy, col. 8, lines 9-11) thereby limiting its functionality when compared to the present invention. Amendment and cancellation of certain claims is not to be construed as a dedication to the public of any of the subject matter of the claims as previously presented.

Claim 1 has been amended to recite “an electrolytically severable joint which is integrally continuous.” This is an element of the present invention where the “electrolytically severable joints may be a simple uninsulated continuation of, e.g., the stainless steel core wire (104)” (see specification, p. 13, lines 2-4). Having a continuous joint allows for greater joint strength and this joint strength in turn aids in maneuvering and placing the retainer subassembly during placement within an aneurysm. Use of the electrolytic joint would *necessarily* require much greater control in holding the retainer subassembly in place for the required period of time (about 3 to 10 minutes, usually about 4 minutes) while the electrolytic action severs the joint. (Specification, p. 13, lines 6-9, referencing Guglielmi, U.S. Pat. No. 5,354,295; description of joint release is found in Guglielmi (5,354,295) at col. 9, lines 49-58.)

However, Purdy discloses an occlusion device which is meant to flow downstream intravascularly with the blood free of any joint or placement device (Purdy, col. 5, lines 40-44). A joint (“introducer”) may be used with the intravascular device in Purdy, but it is only utilized as a means of evacuating it from the catheter or delivery device. As seen, Purdy necessarily requires that “[t]he trailing element 302 is lightly attached to the guide wire 4 by mechanical or chemical means” (emphasis added, Purdy, col. 8, lines 43-44). Additionally, the Purdy device is not meant to be attached solidly to the delivery device; rather, the intravascular device is meant to be pushed out of the catheter, expanded, then released by forceably pulling on the guide wire to break the joint (Purdy, col. 8, lines 44-50). This then allows the device to flow untethered “downstream, if even a small distance” where it then “lodges at a point where the vessel diameter is smaller than the device diameter” (Purdy, col. 8, lines 39-42).

The device in Purdy having a solid electrolytic joint, as disclosed in Guglielmi, would only *hinder* detachment of the intravascular device and would simply not utilize or require the placement capabilities of such a joint since the intravascular device is not meant to be placed or held in position but is meant to simply float downstream with the flow of blood.

There is a lack of motivation to combine the electrolytic joint of Guglielmi with the free-flowing device of Purdy, which necessarily requires a light attachment "where the detachment apparatus is completely separate from the 'coil'" (Purdy, col. 8, lines 65-67). Thus, Purdy fails to teach or suggest the elements of the present invention and Guglielmi, either alone or in combination, fails to cure the defects of Purdy.

Dependant claims 2-5 and new claim 19 all depend from claim 1 and are patentable over Purdy and Guglielmi for at least the same reasons that claim 1 is patentable over Purdy and Guglielmi.

Independent claim 11, as amended, is patentable over Purdy and Guglielmi for at least the same reasons that claim 1 is patentable over Purdy and Guglielmi. Dependant claims 12-16 and new claim 20 all depend from claim 11 and are patentable for at least the same reasons that claims 1 and 11 are patentable.

CONCLUSION

Applicant has, by way of the amendments and remarks presented herein, made a sincere effort to overcome rejections and address all issues that were raised in the outstanding Office Action. Accordingly, reconsideration and allowance of the pending claims are respectfully requested. If it is determined that a telephone conversation would expedite the prosecution of this application, the Examiner is invited to telephone the undersigned at the number given below.

In the unlikely event that the transmittal letter is separated from this document and the Patent Office determines that an extension and/or other relief is required, applicant petitions for any required relief including extensions of time and authorizes the Assistant Commissioner to

charge the cost of such petitions and/or other fees due in connection with the filing of this document to **Deposit Account No. 03-1952** referencing docket no. 290252022401. However, the Assistant Commissioner is not authorized to charge the cost of the issue fee to the Deposit Account.

Respectfully submitted,

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